



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,996	05/23/2001	Stephen S. Burns	7227/79217	1863
24628	7590	12/14/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			VO, HUYEN X	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,996

Applicant(s)

BURNS ET AL.

Examiner

Huyen X. Vo

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-13 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-13, and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8-9, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US 6633846).
3. Regarding claim 1, Bennett et al. disclose a system for providing wireless voice activated data retrieval comprising: an input/output device which includes a user interface for receiving the voice of a user and converting it to a first data stream, said input/output device including a communication system for transferring said first data stream over a wireless communication link to a remote server system (*client-side 150 in figure 2, input speech is processed and converted into acoustic MFCC vectors before transmitted to a remote server*); a remote server system for receiving said first data stream from the input/output device over said wireless communication link (*network 160 in figure 2 can be a wireless network*), said server system configured for processing the first data stream (*elements 182-186 in figure 2*), exchanging data information with a database search engine and a database to verify the accuracy of the data in said first data stream based on data stored in the database (*elements 186-190 in figure 2 or*

referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match), and transmitting a second data stream back to said input/output device over said wireless communication link for verification of the data in said first data stream based on data stored in said database (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match and then transmit it back to the user at the client device for verification*), said server system including a programming interface, remote from said input/output device, having speech recognition search engine for receiving said first data stream and converting it to text data and providing said text data to said database search engine and generating said second data stream based upon data stored in said database (*server-side 180 in figure 2*).

4. Regarding claim 2, Bennett et al. further disclose the system as recited in claim 1, wherein the input/output device is a wireless hand-held device (*col. 4, lines 41-61*).

5. Regarding claims 8 and 13, Bennett et al. further disclose the system as recited in claim 1, wherein said database includes related information, thereby enabling the server system to compare information in the first data with information stored in the database to verify the accuracy of the data in the first data stream (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a*

number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match).

6. Regarding claims 9 and 11, Bennett et al. further disclose the system as recited in claim 1, wherein the input/output device further includes a compression mechanism for compressing the first data stream (*col. 23, lines 26-45*), and wherein the server system further includes a decompression mechanism for decompressing said first data stream (*element 601 in figure 4A*).

7. Regarding claim 29, Bennett et al. further disclose a method for enabling a healthcare professional to verify certain information relating to a prescription for a patient, the method comprising the steps of: (a) providing the health care professional with a hand-held device configured to receive voice input from said health care professional and convert said voice input to a first data stream transmit for transmission to a remote server (*client-side 150 in figure 2, input speech is processed and converted into acoustic MFCC vectors before transmitted to a remote server*); (b) providing various information on a database, accessible by said health care professional by way of said hand held device over a wireless communication link (*system of figure 2, database containing information 188, said information can be health-related information col. 21, lines 25-40*); (c) providing a remote server for receiving said first data stream from said hand held device and converting it to text data in order to retrieve data from said database (*SRE 182 in figure 2*); and (d) returning data retrieved from said database to

said hand held device (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match and then transmit it back to the user at the client device for verification*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Official Notice.

10. Regarding claims 10 and 12, Bennett et al. fail to specifically disclose the system as recited in claim 1, wherein the input/output device further includes an encryption mechanism for encrypting the first data stream, and wherein the server system further includes a decryption mechanism for decrypting said first data stream. However, examiner takes official notice that encryption and decryption systems and their functionalities are well known in the art, for their purpose in telecommunication systems is to enhance communication security preventing information from being pirated.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. to include encryption and decryption mechanisms at the front-end of the system to enhance communication security by preventing information from being pirated.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haszto et al. (US 6192338) reference and Cohen (US 6014626) reference are considered pertinent to the claim invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

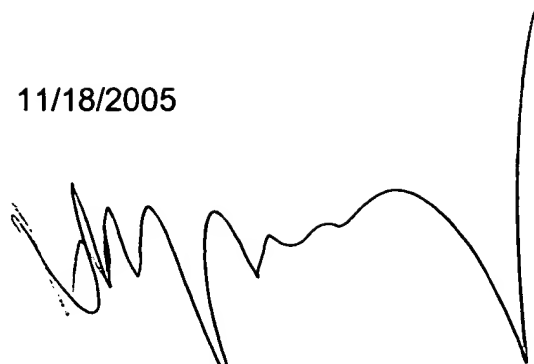
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/863,996
Art Unit: 2655

Page 7

HXV

11/18/2005

A handwritten signature in black ink, appearing to read 'W. R. Young', with a long, sweeping vertical line extending upwards from the right side of the signature.

W. R. YOUNG
PRIMARY EXAMINER